Award Widow $11,333 For Mate's Death

MONTGOMERY, Ala. — Mrs. Eddie Mae Richardson, whose husband was killed in an automobile accident, was awarded a record judgement of $11,333 in Circuit court here last week.

Court officials said the amount was the largest damages award ever given a colored person in Montgomery Circuit Court.

Mrs. Richardson sued Glenn A. Huddleston, white, for $25,000 in the death of her husband, Asberry Richardson.

Court Says Legal To Call White A Negro

CHICAGO — (ANS) — It is not libelous, degrading nor contemptuous for a white man to be called a Negro in Illinois, a northern state, nor any other state where there is no legal discrimination between races.

The First District Appellate Court of Illinois made the ruling last week in a decision written by Justice Michael Feinberg, dismissing a one million dollar libel suit brought by Isaiah Mitchell, III, against the Chicago Tribune.

Mitchell, a news stand operator, contended that on two occasions the newspaper had listed him as "Negro" in reporting that he had sold a newspaper to William John Granta, a Republican candidate for a clerk of court office, prior to the latter's being murdered on October 8, 1949.

This suit charged that it was libelous per se to refer to a white man as a Negro. J. B. Martineau, attorney for the defendant, moved for a dismissal on the ground that such a low was not applicable in a northern state. The judge agreed.

In his brief before the Appellate Court Martineau declared being called a Negro in Illinois is not to hold to ridicule, contempt and scorn or hatred. He went on to say that since a great many statutes in this state forbid discrimination and provide full legal equality, it would be ridiculous to asusme that calling a white person a Negro was libelous, since both races enjoyed the same legal and civil status.

Justice Grover C. Niemeyer and John M. Tuohy concurred with Justice Feinberg in the opinion.

Rules Calling White 'Negro' Not An Insult

It is not libelous to incorrectly identify a person as a Negro. Not in Illinois, anyway.

That's the decision of a first district Appellate court judge who ruled last week on an appeal by Isaiah Mitchell, Ill, of Chicago who sued The Chicago Tribune for a million dollars after he was labeled a Negro in a 1949 story.

The court agreed with the Tribune's attorneys who argued that racial discrimination is forbidden by Illinois law and it would be an act of discrimination to rule that calling a white man a Negro would hold him up to public ridicule, hatred and contempt.

Mitchell, a newsstand operator, argued that he was "degraded" because the Tribune called him a Negro.

▶For the first time in a Northern state, an appellate court had to decide last week whether a newspaper can libel a person simply by incorrectly identifying him in a news story as a Negro. The case was a $1,000,000 suit against The Chicago Tribune which had so misidentified a man in a story almost two years ago. The decision of the Illinois Appellate Court: "The reference ... was not libelous per se"; the plaintiff's plea of having been "degraded"—which would have had legal validity in some Southern states—didn't impress the Yankee judges.

Supreme Court Refuses Review Of Conviction Of White Texans

WASHINGTON, D. C. (NNPA)- The United States Supreme Court last Monday refused to review the conviction of two white Texans, one a constable, for violation of the Federal civil rights laws by brutal treatment of a colored man.

Two of the nine justices favored a review of the case. They were Justices Hugo L. Black and Justice Robert H. Jackson.

Justice Jackson took the unusual procedure of filing a dissenting memorandum in which he said the state officers in this case "richly deserve severe punishment," but that he denounced the civil rights statute under which the two men were convicted as "vague and general in the extreme."

The statute makes criminal the wilful "deprivation of any rights, privileges or immunities secured or protected by the Constitution or laws of the United States."

Justice Jackson said "this statute enables a federal administration to hold over all state officers a threat of prosecution whose vagueness is attested by the fact that this court cannot decide most issues of deprivation of constitutional rights without dissent, and often divides five to four."

The two Texans, Thomas A. Koehler, a constable in Guadalupe County, and Hugo W. Ackerman, must each pay a fine of $500 and serve six months in prison.

They were convicted in the Federal District Court on a two-count indictment. The first charged Koehler and Ackerman conspired to violate the civil rights of Cram Rasberry as forbidden by the Federal civil rights laws. The second count charged them with violating Rasberry's rights under the Fourteenth Amendment by arresting him and inflicting summary punishment.

The trial record showed that Rasberry, a middle-aged man, accompanied by a colored minister, the Rev. Ernest Berna, was traveling on the night of August 27, 1949. When they arrived at a place called Cibolo Creek, a number of hounds belonging to Koehler began to cross the highway. Rasberry, who was driving, slowed down the car but one of the hounds was either hit by the car or ran into it. Rasberry and Benzs did not stop but proceeded to Marion, Texas, pursued by Koehler and his "deputy," Ackerman, in an automobile.

Koehler and Ackerman sounded their siren, flashed their red searchlight, and finally forced Rasberry to the curb. Koehler pulled Rasberry out of the car, after which Koehler and Ackerman beat him with their fists while Benzs hid in the bushes to avoid capture.

Koehler and Ackerman took Rasberry to a saloon, owned by Koehler, where Rasberry was held in custody without anyone being permitted to see him. While Rasberry was in custody in the saloon, Ackerman picked up a pet alligator, owned by Koehler and kept in a washtub in the saloon, and placed it against Rasberry's bare stomach.

Koehler pointed a pistol at Rasberry and told him to say his prayers- that if the dogs died he would hang Rasberry and while Rasberry was hanging he would stay nearby with a gun so that no one could cut him down. Ackerman also drew his pistol.

Later, Koehler and Ackerman placed Rasberry in their car and drove him to the homes of one Robert Miller. Koehler told Miller that Rasberry had been running with his daughter, a married woman, and that he was going to put Rasberry in jail and he wanted Miller to take his, Koehler's, gun and kill him.

Koehler told Miller "if you don't kill him, I am going to kill him and her (Miller's daughter) in the morning, if those dogs die."

Koehler and Ackerman placed Rasberry in the Marrion jail. The next day he was removed to the Guadalupe jail. A doctor, who examined him, found his head was swollen, a cut on his lip which required stitches, both lips swollen and lacerated, and Rasberry could not talk intelligibly. Rasberry testified that he was unconscious until the ambulance came for him on the second day.

After Rasberry had been placed in jail, Koehler gave a justice of the peace charges against Rasberry of driving an automobile without good brakes and without lights. The charges were never filed because they were not sworn to.

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Pursuit of Democracy

McKenzie in Challenge on Legal Tactics

By MARJORIE McKENZIE

THE SOUTH CAROLINA decision, in which a three-judge Federal Court recently refused to rule that segregation is per se unconstitutional, is a serious legal setback in the civil rights fight. Let's not deceive ourselves about its meaning. This was no ordinary test case confidently bound for reversal by the U. S. Supreme Court.

It was a bare bones challenge to the legality of segregation under the states' police power and it got a bare bones answer which infuses new vigor in the moribund Plessy v. Ferguson doctrine of "separate but equal."

Miss McKenzie

To the NAACP high command belongs the decision to make a frontal attack in the courts on segregation as an exercise of governmental authority. Considerable legal ingenuity has gone into stating a case that would force the court to rule on the issue of segregation. Almost any complaint about segregation also makes out a case of inequality on its facts. Consequently, the courts have resorted to the equal protection clause of the Fourteenth Amendment as the ground for a finding of illegality. The NAACP, being of the opinion that the separate but equal principle of the Plessy case is really dead, wants to wrest a formal burial service for it from the Supreme Court.

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THOSE WHO have thought it wiser simply to let the ancient Plessy fade away, look upon the NAACP's strategy moves with honest irritation and alarm. Since the inroads made on segregation by the NAACP's own victories of June 1950 in the Sweatt and McLaurin cases and by Alpha Phi Alpha's success in the Henderson case, the NAACP has filed "pure" segregation test cases in the District of Columbia, Virginia and Georgia, in addition to the South Carolina case. Though these are logical extensions, in theory, of the segregation cases of last June, they involve risk where none was necessary.

These are hard things for a liberal to say, but they must be said because the welfare of the people is not the exclusive province of a handful of lawyers. We all want an end to segregation, now, at once. But when we invoke the aid of the courts for reaching our objectives, we must think not only of what we want, but also of what the courts are likely to do. Their course is not unpredictable.

The Supreme Court charts its route for all the world to read and understand. Beginning with Gaines v. Missouri, it has been moving very cautiously down the separate but equal path, yet, within that confine always departing from the falsities of the Plessy doctrine. By last June, legal scholars were combing through Henderson, Sweatt and McLaurin to determine whether Plessy had been overruled by implication. Each of these three cases had asked for a repudiation of Plessy and for a ruling that segregation is per se illegal. But there was in each case also a showing of inequality and it was on the basis of the inequality shown that each was decided.

• • •

THE SUPREME Court has now laid down so refined a test for equality that we can be certain of success on this issue in any well-prepared case we might file. Despite this, the Court did not say that Plessy was overruled. We have no reason to believe that it is any nearer to such a declaration now. Meanwhile, we waste time in not consolidating our gains of last year and in not following the lessons of the segregation cases.

It won't help to build up a 1951 body of District Court precedent, which revives the Plessy doctrine, gives it modern interpretations and new documentation regarding a state's authority to segregate the facilities provided to citizens. Lawyers engaged in civil rights test cases have to be more than good technicians; they must be social engineers as well. The judicial system is part of a political structure and is accordingly not unresponsive to political forces. When we use the courts as instruments of social progress, we must weigh the extra-legal considerations and we must make estimates based on all the knowledge available to us. Fundamentally, what we seek is non-segregated, adequate, democratic schools for all Americans.

We have made great progress in Southern graduate education and more progress is available to us. Under the pressure of the equality decisions, the Plessy doctrine will be scuttled by local officials in short order. But not if we give them new strength by premature pressure on the courts.

S. C. Court Told Segregation Bad Psychology for Races

CHARLESTON, S. C., May 28—(AP)—Northern educators told a three-judge Federal Court Monday that they believe Negroes can never have equal educational opportunities as long as segregation exists in Southern schools.

The educators, called as witnesses by the National Association for the Advancement of Colored People (NAACP), testified in a court battle in which Negroes seek to end segregation in the South's public schools.

They added the opinion that segregation, discrimination and prejudice have a bad effect psychologically on both Negroes and whites.

A South Carolina view on the matter was expressed by a State School Official, E. R. Crow. Crow told the court it was his opinion the people of the state would not accept mixed schools and that a court order ending segregation would cause them to abandon their public school system.

TRIAL BEGINS

The trustees of School District 22 in rural Clarendon County, defendants in the segregation battle, opened the trial with an admission that school facilities for Negroes in the district are inferior to white schools.

Attempting to prove that "segregation of pupils itself is a form of inequality," the NAACP put several Northern educators on the stand.

Kenneth Clark, a Negro specialist in child psychology at the College of the City of New York, said segregation affects the personality development of both whites and Negroes, causing the Negroes to be confused, hostile and resentful, and the whites to have a feeling of guilt.

Harold J. McNally, an assistant professor of education at Columbia University, offered the opinion that segregation carries an "implied stigma for one group and thereby relegates it to a position of second class citizenship."

SOUTH AFFECTED

Although the court test applies specifically to public schools in District 22 in South Carolina's Clarendon County, the case has far-reaching implications for the state and the entire South.

The suit was filed by parents of Negro children against Clarendon school authorities.

The defense admitted that Negro schools in District 22 are inferior to the white schools. Trustees of the District urged the court to give them a reasonable time to formulate a plan for ending inequalities.

S. C.'s Judge WARING BLASTS

Negro Leadership as Being 'Segregation Profiteers'

Courier Pgt. 7-7-51

Pittsburgh Pgt.

By ALBERT J. DUNMORE

CHARLESTON, S. C.—"You can not leave us alone!"

U. S. District Judge J. Waties Waring made this appeal to individuals and organizations in the North two days after his history-making minority report on the elimination of segregation in public schools was made public in the decision upholding segregated schools passed down by his fellow District Court judges—Parker and Zimmerman.

Sitting in his chambers in the U. S. Post Office Building here in Charleston, Judge Waring told this reporter that he believed that with concerted pressure both from within and without the South the walls of segregation would crumble. And he said those Negro leaders who profit through the system of segregation.

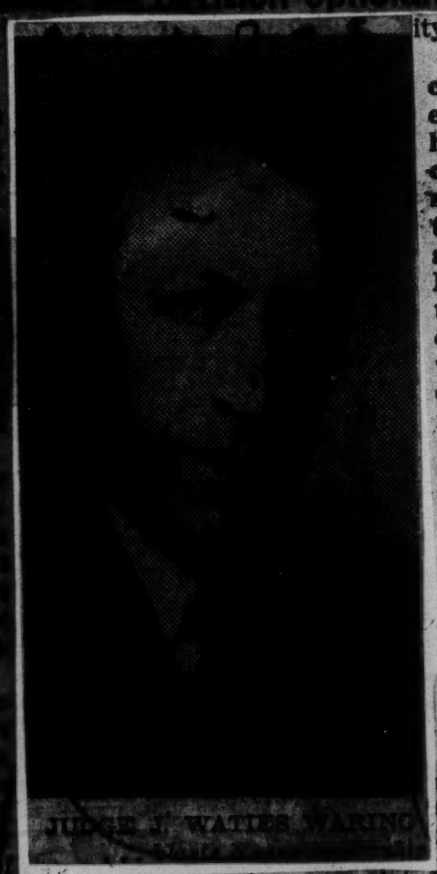
"Laws that uphold segregation must be repealed and it is everybody's job to see that this is done. It isn't a fight that must be fought by a few brave people here in the South. It must have the support of everyone throughout this land."

Refusing to make direct comment on his minority report or the opinion of his colleagues Judge Waring did state that his opinion was an attempt to spell out to the people of the country the meaning and significance of the Fourteenth Amendment.

MUST FACE IT

In his opinion Judge Waring stated:

"We must face without evasion or equivocation, the question as to whether segregation in education in our schools is legal or whether it cannot exist under our American system enunciated in the Fourteenth Amendment to the Constitution of the United States.



JUDGE J. WATIES WARING

Courier

"If segregation is wrong, then the place to stop it is in the first grade and not in graduate schools.

"Segregation is, per se, inequality.

7-7-51

"As heretofore shown, the courts of this land have stricken down discrimination in higher education and have declared unequivocally that segregation is not equality. But those decisions have pruned away only the noxious fruits. Here in this case we are asked to strike its very root. Or rather, to change the metaphor, we are asked to strike at the cause of infection and not merely at the symptoms of the disease. And if the courts of this land are to render justice under the laws without fear or favor, justice for all men and all kinds of men, the time to do it is now, and the place is in the elementary schools schools where our future citizens learn their first lesson to respect the dignity of the individual in a democracy . . ."

Judge Waring would not predict what he thought would be the opinion of the United States Supreme Court when the matter was appealed there. He does feel however that the line of battle is drawn and that the firing should not cease until the end of the segregated school is brought about.

WEAK-KNEED NEGROES

"The only people I fear in this fight are the weak-kneed colored people of our state," Judge Waring told this reporter.

He praised men like James Hinton, executive secretary of the Columbia NAACP, and John McCray, editor of the Lighthouse and Informer.

"These men are carrying the fight fearlessly," Judge Waring pointed out, "but they need support and plenty of it. You must not be frightened off by threats. You must be prepared to meet every thrust."

"The poorer people of your group are the brave ones, but they need stronger and surer support from the people who should be in the position of leadership . . . the Negro ministers, the Negro school teachers, the Negro professional people . . . many of whom benefit directly from this system of discrimination are the ones who should be in the lead in the fight . . . but many of them are terrified."

WOULD CLOSE SCHOOLS

Judge Waring said he believed that if segregation is legally outlawed that the state would carry through the threat of closing the doors of the public schools. "They would probably lease out the school buildings to private organizations, most likely the churches, for a nominal fee . . . maybe a dollar a year . . . and when they do the fight will just have begun . . . but you should welcome this fight. It is a fight that can be won.

"While the Negroes of South Carolina stand their ground in this fight for human dignity, organizations in the North should be using force to bring abuot relief.

"I don't mean force of the bayonet, but force of the ballot, force at the poll, force within the major organizations, force of the Constitution.

"The NAACP should continue to fight for legal relief and use constant vigilence in the courts.

IN THE PRESS

"The newspapers should carry on a forthright program of education, teaching the Negro to use his vote properly, appraising him of his rights and insisting that he make use of them.

"Organizations in the North can bring pressure within their groups to support the cause with more than lip service. This is true in both labor and religious organizations. On a national scale the CIO, the AF of L and every religious organization, both Catholic and Protestant, have gone on record with resolutions opposing segregation, discrimination and prejudice in many forms.

"But the churches in South Carolina and the unions in South Carolina are the worst violators of precepts of full democracy, equality and Christianity.

"These organizations can be forced to observe these precepts if full pressure is brought on them by national bodies.

"The United States Government can be forced to take a hand in the matter. Votes control the government and the the Negro controls an important segment of the vote. The government must be made aware of this.

"No, we can not be left alone to wage this battle. The white citizens of South Carolina must be shamed into cleaning up their dirty, filthy house . . . and it only can be done by folks out side the house."

Talmadge, Wright Discuss Segregation With Byrnes

By WILLIAM M. BATES

COLUMBIA, S. C., April 27.—(UP)—Three Dixie Governors who have vowed that Negroes will not enter the white schools of their states were reported to have held informal talks Friday on the growing legal threat to segregation.

Govs. Herman Talmadge of Georgia and Fielding Wright of Mississippi attended a dinner given by Gov. James F. Byrnes of South Carolina. And there was an indication that Byrnes is attempting to weld a Southern Governors' front to defend the South's pattern of segregation.

All three have said if the U. S. Supreme Court orders an end to segregation in the public schools, they will shut them down rather than permit whites and Negroes to sit together in classrooms.

Ex-Gov. J. Strom Thurmond of South Carolina, the States Rights Candidate for president, also was present at the dinner.

DIXIE DAY

Officially, the dinner was part of Dixie Day ceremonies at nearby Fort Jackson, S. C., Saturday. But reliable sources said the three Governors would hold private discussions on the explosive segregation issue which will come to a head in federal court in South Carolina next month.

There was an indication Byrnes is lining up a solid front to fight the segregatuon cases. He already has called on 17 Southern states to aid South Carolina in a suit to be argued before a three-judge federal court in May which seeks to overturn segregation.

SUIT BY NEGROES

The suit, brought by the National Association for the Advancement of Colored People, attacks the principle of public school segregation itself. Heretofore, most school segregation cases have demanded equal facilities.

If Byrnes is seeking to line up a Southern front, it will be his first such move since he came out of retirement last year to become Governor of South Carolina. Byrnes is a former Supreme Court justice, Secretary of State, "Assistant" President, and U. S. Senator.

Although Byrnes is a frequent critic of President Truman's "Fair Deal" program, he is not expected to lead a Southern revolt outside the Democratic Party. But he is expected to be active in the 1952 national Democratic Convention.

U. S. court holds to segregation in Carolina schools

CHARLESTON, S. C., June 23—(AP)—A special three-judge Federal Court upheld Negro segregation in the South's schools. But it reminded Southern states that they must provide equal facilities for Negroes.

The court, in a far-reaching 2 to 1 decision, held that "segregation of the races in the public schools . . . is a matter of legislative policy for the several states, with which the federal courts are powerless to interfere."

But the court ordered Negro schools made equal to those for whites and told school officials to report back within six months on what they are doing about it.

The decision came in a case involving rural Clarendon County in South Carolina. The case, heard here on May 29, was initiated by the National Association for the Advancement of Colored People in a broadside assault on the South's traditional system of segregated schools.

* * *

Waring's view differs

THE COURT MAJORITY, consisting of Circuit Judge John J. Parker and District Judge George Bell Timmerman, wrote that "in a country with a great expanse of territory with peoples of widely differing customs and ideas, local self government in local matters is essential to the peace and happiness of the people in the several communities as well as to strength and unity of the country as a whole."

District Judge J. Waites Waring, the jurist who opened South Carolina's Democratic primaries to Negroes, took a far different view in his dissenting opinion. He wrote:

"There is no longer any basis for a state to claim the power to separate according to race in graduate schools, universities and colleges. . . . I am of the opinion that all of the legal guide posts, expert testimony, common sense and reason point unerringly to the conclusion that the system of segregation in education adopted and practiced in the state of South Carolina must go and go now."

In South Carolina—

U. S. court upholds school segregation

Decision, in effect, sustains traditional system in South

CHARLESTON, S. C., June 23—(AP)—A three-judge Federal Court today upheld the segregation of white and Negro students in South Carolina public schools.

The decision, in effect, upholds the traditional segregated public school system of the Deep South.

The 2 to 1 decision was accompanied by an injunction ordering South Carolina to equalize its school facilities for Negro students.

Judge John J. Parker, of the fourth U. S. Circuit Court of Appeals, and District Judge George Bell Timmerman comprised the majority. District Judge J. Waites Waring, who opened South Carolina's Democratic primaries to Negroes, dissented.

In New York, Walter White, executive secretary of the National Association for the Advancement of Colored People, said the association would "appeal immediately to the United States Supreme Court."

The special three-judge court heard the case so it could be appealed directly to the Supreme Court.

The majority opinion held that "there can be no question but where separate schools are maintained for Negroes and whites, the educational facilities and opportunities afforded by them must be equal.

* * *

"WE THINK, however, that segregation of the races in the public schools, so long as equality of rights is preserved, is a matter of legislative policy for the several states, with which the federal courts are powerless to interfere. . . . Local self government in local matters is essential to the peace and happiness of the people in the several communities."

In his opinion, Judge Waring wrote:

"The question of the right of the states to practice segregation by race in certain educational facilities has only recently been tested in the courts. But still we have not reached exact question that is posed in the instant case.

"There is no longer any basis for a state to claim the power to separate according to race in graduate schools, universities and colleges . . .

"It is openly and frankly admitted by all parties that the present facilities are unequal and unconstitutional and no one knows how much money would be required to bring the colored school system up to a parity with the white school system.

"From their (defense) testimony it was clearly apparent and it should be to any thoughtful person, . . . that segregation in education can never produce equality and that it is an evil that must be eradicated."

THE SCHOOL DISTRICT was ordered to report back to the court in six months on its steps to make school facilities equal.

THE JUDGES took the case under advisement after two days of testimony in the District Court at Charleston May 29.

The suit was brought by parents of Negro school children in District 22 of rural Clarendon County asking admission of their children to white schools of the district.

The case had regional significance in that it challenged the foundation of the South's traditional doctrine of separate facilities for Negroes and whites.

In previous cases questioning the legality of segregation itself, the U. S. Supreme Court has taken the position that it is a matter within the police powers of the individual states.

THE PLAINTIFFS argued the segregation-provision in the South Carolina constitution was a violation of 14th amendment to the U. S. Constitution which guarantees equal protection of the laws to all citizens.

The plaintiffs' strategy was directed by the National Association for the Advancement of Colored People. Thurgood Marshall, N. A. A. C. P. legal head, contended segregation itself was a denial of equality.

This approach signalized a Southwide N. A. A. C. P. campaign against segregation in public schools. In the past, instead of striking at segregation, the N. C. A. A. P. has concentrated most of its effort on equalization of facilities.

The defense, headed by Robert McC. Figg, Jr., of Charleston, argued for separate but equal facilities. It pointed to the enactment by the last General Assembly of a 3 per cent general sales tax that would, among other things, finance a $75,000,000 bond issue for school construction.

The defense pleaded for time to carry out the program. Gov. James F. Byrnes went on record before the suit reached court that South Carolina would "reluctantly abandon its public school system" if segregation was ended by the courts.

The General Assembly then placed a provision in the appropriations bill giving local school boards the authority to lease or sell school property to churches or individuals if segregation was outlawed.

Comments On Court Decision

COLUMBIA, S. C. — (ANP) — The state needs only a green light from its Supreme Court to start equalizing white and Negro schools, Gov. James F. Byrnes said recently.

Gov. Byrnes made the statement in commenting on a federal district court opinion upholding racial segregation in public schools.

Gov. Byrnes said that the decision of the judges justifies the seperate but equal doctrine. He added:

"In order to reverse the decision. . . . the Supreme Court will have to reverse the decisions of many of the ablest justices who have served on that court since segregation of the races was upheld in 1896.

"As to providing equal facilities. . . . the state will do everything possible to comply with the order of the court."

Gov. Byrnes added that he thought that the period of six months was not enough time to make the improvements in the Negro school district.

Before 3 Judges

S. C. School Bias Trial On

CHARLESTON, S. C.—Segregation within the South Carolina school system faced an acid test here this week over its legality, as three Federal judges listened to arguments for and against a recently adopted development program aimed at bringing the state's Negro schools up to the level of white institutions.

Wise and Just Decision On School Segregation

IN A TWO TO ONE decision rendered yesterday a three-judge Federal Court, sitting at Charleston, upheld the legality of segregation of white and Negro children in South Carolina's public schools. At the same time it was ordered that school facilities for both races be equalized and that the responsible state authorities report to the court within six months precisely what progress to this end has been made.

In our opinion that is an eminently wise and just decision, which will serve the best interests of all the people concerned. It guarantees the right of Negro children to educational facilities fully equal to those of white children. And this it does within the established pattern of Southern life and without violence to any basic right of the people.

"As a court of equity," says the majority ruling, "we should exercise our power to assure to plaintiffs the equality of treatment to which they are entitled with due regard to the legislative policy of the state. . . Our injunction should be directed to removing the inequalities resulting from administration within the framework of the law rather than to nullify the law itself."

If this sound doctrine is affirmed by the Supreme Court, we can look confidently forward to a peaceful era of educational progress for both races in the South and to a growing inter-racial good will.

COURT OKAYS SEGREGATION IN SCHOOLS

Negro Leaders Plan To Appeal Decision To High Tribunal

CHARLESTON, S. C., June 21 —(AP)—A special three-judge federal court Saturday upheld Negro segregation in the South's schools. But it reminded Southern states that they must provide equal facilities for Negroes.

The court, in a far-reaching 2 to 1 decision, held that "segregation of the races in the public schools . . . is a matter of legislative policy for the several states with which the federal courts are powerless to interfere."

But the court ordered Negro schools to get equal facilities for whites and told school officials to report back within six months on what they are doing about it.

Initiated By NAACP

The decision came in a case involving the rural Clarendon County in South Carolina. The case, heard here on May 29, was initiated by the National Association for the Advancement of Colored People in a broadside assault on the South's traditional system of segregated schools.

The court majority, consisting of Circuit Judge John J. Parker and District Judge George Bell Timmerman, wrote that "in a country with a great expanse of territory with peoples of widely differing customs and ideals local self government in local matters is essential to the peace and happiness of the people in the several communities as well as to strength and unity of the country as a whole."

District Judge J. Waties Waring, the jurist who opened South Carolina's Democratic Party primaries to Negroes, took a far different view in his dissenting opinion. He wrote:

"There is no longer any basis for a state to claim the power to separate according to race in graduate schools, universities and colleges. . . . I am of the opinion that all of the legal guide posts, expert testimony, common sense and reason point unerringly to the conclusion that the system of segregation in education adopted and practiced in the State of South Carolina must go and must go now."

Not Abandoning Fight

From Columbia, there came a terse "no comment" from the office of Gov. James F. Byrnes on the decision. The former Supreme Court justice and Secretary of State had declared before the case was heard that South Carolina would "reluctantly" close her public schools before mixing the races in them.

In New York, executive secretary Walter White of the NAACP announced that the NAACP is not abandoning its fight on the South's segregated schools. He said the association would "appeal immediately to the United States Supreme Court."

James M. Hinton, president of the South Carolina chapter of the NAACP, expressed optimism that the Supreme Court would reverse the lower court. He added that "we feel as strongly now that segregation is morally wrong and must be eliminated if America is to fulfill her impact on the world of darker-skinned peoples."

The special three-judge court, as is customary in cases involving state constitutions, heard the case so that it could be appealed directly to the Supreme Court. The plaintiffs, producing testimony by several educators against segregation, argued that the segregation provision of the state constitution violated the 14th Amendment of the U. S. Constitution. That amendment guarantees equal protection of the laws to all citizens.

Equalization Ordered

The court held, however, that the state constitution does not violate the 14th Amendment. But it added that educational facilities for Negroes in Clarendon School District No. 22 "are not substantially equal to those afforded for white pupils (and) that this inequality is violative of the equal protective clause of the 14th Amendment."

The court, in its decree, then ordered Clarendon trustees to equalize their facilities for both races. It further ordered them to report back within six months "as to the action taken by them to carry out this order."

South Carolina is now planning a $75,000,000 school construction program aimed at equalizing the school plants for the two races. The program will be financed by a three per cent general sales tax that goes into effect July 1.

The majority and minority opinions totaled about 16,000 words, covering nearly 40 pages typewritten matter.

The joint opinion of Judge Parker and Judge Timmerman held that:

"The problem of segregation as applied to graduate and professional education is essentially different from that involved in segregation in education at the lower levels . . . it is difficult for the state to maintain segregated schools for Negroes in this field which will afford them opportunities for education and professional advancement equal to those afforded by the graduate and professional schools maintained for white persons."

"Realistic Approach"

The opinion added that at the public school level "as good education can be afforded in Negro schools as in white schools and the thought of establishing professional contacts does not enter into the picture . . ."

(Recent federal court decisions admitting Negroes to white graduate schools in the South have held that equal facilities for the two races are not provided because Negro schools, among other things, do not provide equal professional contacts for their graduates.)

"There is testimony to the effect that mixed schools will give better education and a better understanding of the community in which the child is to live than segregated schools. There is testimony, on the other hand, that mixed schools will result in racial friction and tension and that the only practical way of conducting public education in South Carolina is with segregated schools. The question thus presented are not questions of constitutional right but of legislative policy, which must be formulated . . . in realistic approach to the situations to which it is to be applied.

"The federal courts would be going far outside their constitutional function were they to attempt to prescribe educational policies for the states in such matters.

"There is nothing in the constitution that requires that the state grant to all members of the public a common right to use every facility that it affords.

"When 17 states and the Congress of the United States have for more than three-quarters of a century required segregation of the races in the public schools, and when this has received the approval of the leading appellate courts of the country including the unanimous approval of the Supreme Court of the United States at a time when that court included Chief Justice Taft and Justices Stone, Holmes and Brandies, it is a late day to say that such segregation is violative of fundamental constitutional rights. . . ."

Waring's Dissent

Judge Waring, in his dissenting opinion, declared that:

"We must and do face, without evasion or equivocation, the question as to whether segregation in education in our schools is legal or whether it cannot exist under our American system as particularly enunciated in the 14th Amendment to the Constitution of the United States. . . ."

"The question of the right of the states to practice segregation by race in certain educational facilities has only recently been tested in the courts. But still we have not reached the exact question that is posed in the instant case.

"There is no longer any basis for a state to claim the power to separate according to race in graduate schools, universities and colleges."

Judge Waring declared that the NAACP's witnesses "showed beyond a doubt that the evils of segregation and color prejudice come from early training.

"If segregation is wrong, then the place to stop it is in the first grade and not in graduate colleges. I am of the opinion that all of the legal guideposts, expert testimony, common sense and reason point unerringly to the conclusion that the system of segregation in education adopted and practiced in the State of South Carolina must go and must go now.

"Segregation is per se inequality.

"I had hoped that this court would take this view of the situation and make a clear-cut declaration that the State of South Carolina should follow the intendment and meaning of the Constitution of the United States and that it shall not abridge the privileges accorded to or deny equal protection of its laws to any of its citizens."

Segregation Rulings Hang on '96 Decision

WASHINGTON, June 23—(AP)—Higher court rulings on segregations of Negroes in schools and other public places in recent years all hang from an 1896 Supreme Court decision which approved "separate but equal" facilities for the races.

In general the appellate courts have held that the question of racial separation is one falling within the police powers of the states so long as the facilities and opportunities are truly equal. In such a situation segregation has been held not to violate the 14th Amendment to the Constitution, which says "no state shall make or enforce any law which shall abridge the privileges of citizens of the United States."

The Supreme Court, however, cut out a precise measuring stick to gauge "equality" on the closing day of its 1950 term.

Among decisions handed down that day the court:

1. Ruled that Heman Marion Sweatt, Negro, must be admitted to the University of Texas law school. The high tribunal found that a separate law school set for Negroes as an outgrowth of Sweatt's efforts to get into the regular school, did not meet the "equality" standard for lack of physical facilities and highly qualified instructors.

2. Ordered the University of Oklahoma law school to stop segregating G. W. McLaurin, Negro, from the other students in his classes by seating him apart, forcing him to eat away from them, and to use a separate part of the library. The basic findings by the high court was that such treatment interfered with McLaurin's right to study and learn on an equal basis.

But in both cases, the major precedents now governing decisions on school segregation, the high court declined to upset the "separate but equal" theory, or specifically to affirm it. And they did not pass directly on the constitutional issue under the 14th Amendment.

The justices said they didn't have to go that far. By policy they make their rulings as restricted as possible, avoiding sweeping declarations of law when a case can be decided on limited grounds.

The decisions avoided passing on the general school segregation laws of Texas and Oklahoma, since they were not at direct issue.

State Supreme Ct

12b 1951

Okayed by Judges in Appellate Court

O'Dwyer, Grand Jury Had Refused to Act Against Brutal Policeman

NEW YORK—Mrs. Lottie Newton of 669 Jefferson Ave., Brooklyn, whose husband, Herman, 23, was shot to death by an off-duty policeman on Memorial Day, 1949, will get the award of $53,837 from the city made her last January by a jury in Kings County Supreme Court.

The findings of the jury that the shooting and killing of Newton was without provocation or justification was unanimously approved last Tuesday by the Appellate Division of the State Supreme Court.

Last week's decision is reported to be the first occasion the high court has passed on a case involving police brutality toward a colored person. Samuel Korb, attorney, represented Mrs. Newton and her son, Ronald, 5.

Wife Gives Testimony

Mrs. Newton, who was in the automobile with her sister-in-law when the fatal shooting occurred, testified that Donald Mullen of the 79th Precinct station, without identifying himself as an officer and dressed in plain clothes, stepped up to the car and began berating Newton for blowing his horn.

An argument ensued, she continued, and Mullen pulled Newton out of the vehicle and when he resisted, pulled a gun. Newton began running in an attempt to escape his assailant, but Mullen took aim and fired four bullets, two of which penetrated to his chest and abdomen.

When the policeman was not placed under arrest or suspension, public indignation rose to a high pitch in colored communities and the Brooklyn NAACP pressed the complaint.

Officials Won't Act

When the Brooklyn grand jury failed to return an indictment against Mullen, numerous organizations condemned the grand jury action as a "whitewash" and the case became the pivot of demands for an inquiry into practices of police brutality.

The NAACP and the American Jewish Congress cited numerous cases of killings and beatings and these groups and many others severely criticized former Mayor O'Dwyer and Police Commissioner O'Brien for condoning acts of lawlessness by policemen.

They forwarded their complaints to Governor Dewey, but no action was taken by the Governor, and the policeman who made a widow of Mrs. Newton is still assigned to the same precinct.

The award of the $53,837 to her was made through a civil suit on the charge that the killing by Mullen was done willingly and intentionally and without just cause.

Segregation Wrong Says U. S. Court

Teacher Wins Case But Jury Awards Very Small Sum

Special to the Journal and Guide

RICHMOND, Va.—In two separate trials, the Federal District Court here has seen fit to award only a very minor sum to W. C. Chance, North Carolina school teacher, as the result of his being evicted from a railroad coach.

However, Mr. Chance's case was by no means completely lost, inasmuch as he was victorious in having declared the railroad's racial segregation regulations invalid, which was in itself the principal motive of the suit.

Manchester, Va.

THE COMPLAINANT brought action against the Atl. Coast Line Railroad on the ground he was wrongfully ejected from one of its cars. He was arrested after he refused to move to a coach designated for Negroes.

When the case was initially heard, the court upheld the railroad's right to enforce its rule providing for segregation, but awarded Mr. Chance $50 punitive damages on account of his arrest.

12b

The decision was then taken to the United States Circuit Court of Appeals for the Fourth Circuit which reversed the Richmond court and ordered a new trial. In reversing the case the appellate tribunal ruled as invalid the SCL's rule providing for the segregation on day coaches in interstate commerce.

After a rehearing of the suit which concluded Friday on its third day of trial, a jury awarded [illegible]

Ruling of U. S. Judges Upholds Racial Segregation In Southern Public School

Charleston, S. C.—A special three-judge U.S. court Saturday upheld segregation in the South's schools. But it reminded southern state that they must provide equal facilities for Negroes.

The court, in a far-reaching 2 to 1 decision, held that "segregation of the races in the public schools is a matter of legislative policy for the several states, with which the federal courts are powerless to interfere."

But the court ordered Negro schools made equal to those for whites and told school officials to report back within six months on what they are doing about it.

The decision came in a case involving rural Clarendon County in South Carolina. The case, heard here on May 29, was initiated by the National Association for the Advancement of Colored People in a broadside assoult on the South's traditional system of segregated schools.

Dissenting Opinion

The court majority, consisting of Circuit Judge John J. Parker and Dist. Judge George Bell Timmerman, wrote that "in a country with a great expanse of territory with peoples of widely different customs and ideas, local self-government in local matters is essential to the peace and happiness of the people in the several communities as well as to strength and unity of the country as a whole."

Dist. Judge J. Waties Waring, the jurist who opened South Carolina's Democratic Party primaries to Negroes, took a far different view in his dissenting opinion. He wrote:

"There is no longer any basis for a state to claim the power to separate according to race in graduate schools, universities and colleges. I am of the opinion that all of the legal guide-posts, expert testimony, common sense and reason point unerringly to the conclusion that the system of segregation in education adopted and practiced in the state of South Carolina must go and must go now."

Waring said that if segregation is wrong—and he called it "an evil that must be eradicated"—then "the place to stop it is in the first grade and not in graduate colleges."

He wrote: "It is openly and frankly admitted by all parties that the present facilities are hopelessly disproportional and no one knows how much money would be required to bring the colored school system up to a parity with the white school system.

"From their (defense) testimony, it was clearly apparent and it should be to any thoughtful person . . . that segregation in education can never produce equality and that it is an evil that must be eradicated."

From Columbia there come a terse "no comment" from the office of Gov. James F. Byrnes on the decision. The former Supreme Court justice and Secretary of State had declared before the case was heard that South Carolina would "reluctantly" close her public schools before mixing the races in them.

The majority opinion held that "segregation of the races in that public schools, so long as equality of right is preserved, is a matter of legislative policy for the several states, with which the federal courts are powerless to interfere."

Fight Goes On

In New York, executive Sec. Walter White of the National Assn. for the Advancement of Colored People announced that the NAACP is not abandoning its fight on the South's segregated schools. He said the association would "appeal immediately to the U. S. Supreme Court."

James M. Hilton, president of the South Carolina chapter of the NAACP, expressed optimism that the Supreme Court would reverse the lower court. He added that "we feel as strongly now that segregation is morally wrong and must be eliminated if America is to focus her impact on the world of darker-skinned peoples."

The special three-judge court, as is customary in cases involving state constitutions, heard the case so that it could be appealed directly to the Supreme Court. The plaintiffs, producing testimony by several educators against segregation, argued that the segregation provision of the state Constitution violated the 14th Amendment of the U.S. Constitution. That amendment guarantees equal protection of the laws to all citizens.

Inequality Cited

The court held, that the state Constitution does not violate the 14th Amendment. But it added that educational facilities for Negroes in Clarendon School District No. 22 "are not substantially equal to those afforded for white pupils (and) that this inequality is violative of the equal protection clause of the 14th Amendment."

The court, in its decree, then ordered Clarendon trustees to equalize their facilities for both races. It further ordered them to report back within six months "as to the action taken by them to carry out this order."

South Carolina is now planning a $75 million school construction program aimed at equalizing school plants for the two races. The program will be financed by a 3 per cent geieral sales tax that goes into effect July 1.

SCHOOL SEGREGATION UPHELD BY U.S. COURT

Race Separation Held State Legislative Matter

(The Associated Press)

Charleston, S. C., June 23—A three-judge federal court Saturday upheld the segregation of white and Negro students in South Carolina's public schools.

The decision, in effect, upholds the traditional segregated public school system of the entire South.

The 2-to-1 decision was accompanied by an injunction ordering South Carolina to equalize its school facilities for Negro students.

Judge John J. Parker, of the fourth U. S. circuit court of appeals, and District Judge George Bell Timmerman, comprised the majority. District Judge J. Waties Waring, who opened South Carolina's Democratic primaries to Negroes, dissented.

Appeal Planned

In New York, Walter White, executive secretary of the National Association for the Advancement of Colored People, said the association would "appeal immediately to the United States supreme court."

The special three-judge court heard the case so it could be appealed directly to the supreme court.

The majority opinion held that "there can be no question but where separate schools are maintained for Negroes and whites, the educational facilities and opportunities afforded by them must be equal.

"We think, however, that segregation of the races in the public schools, so long as equality of rights is preserved, is a matter of legislative policy for the several states, with which the federal courts are powerless to interfere. . . . Local self government in local matters is essential to the peace and happiness of the people in the several communities."

Waring Disagrees

In his opinion, Judge Waring wrote:

"The question of the right of the states to practice segregation by race in certain educational facilities has only recently been tested in the courts. But still we have not reached exact question that is posed in the instant case.

"There is no longer any basis for a state to claim the power to separate according to race in graduate schools, universities and colleges. . . .

"It is openly and frankly admitted by all parties that the present facilities are hopelessly disproportional and no one knows how much money would be required to bring the colored school system up to a parity with the white school system.

"From their (defense) testimony, it was clearly apparent and it should be to any thoughtful person . . . that segregation in education can never produce equality and that it is an evil that must be eradicated."

The school district was ordered to report back to the court in six months on its steps to make school facilities equal.

12b 1951

United States Court of Appeals
Train Porters- Frisco Lines

5000 Men To Share The Benefits

Court Order Ends 10 Year Fight Here

A United States Court of Appeals this week ended a 10-year fight carried on by train porters of the Frisco Lines when it reversed the decision of a lower court and granted them recognition as brakemen in name and pay.

Though few more than 100 men will immediately benefit by the victory, 5000 more are in line to share similar fruits, since similar litigation is pending against other rail lines, according to Victor Packman, attorney for the porters.

Having never had a union of their own and excluded from the Brotherhood of Railway Trainmen, the porters won a second victory since the court ordered that the Brotherhood serve as bargaining representatives for them.

In 1946 when Simon L. Howard, Sr., of Kansas City and several others received notices that they were being fired the porters filed their suit. However, they had been seeking recognition as brakemen long before then.

After the firing notices were sent the Brotherhood and the railroad made an agreement which called for the taking over of the job of head end braking operating individual car brakes. Thus, since the porters claimed that 95 percent of their work was braking, numbers were in line to lose their jobs.

The agreement was termed "a naked contractual attempt by one craft to annex the entire positional field of the other craft and so to secure the latter's abolition." This decision was written by Circuit Judge Harvey M. Johnson.

12c 1951

United States Fifth Circuit Court of Appeals
Golf Links- Houston, Texas

Court Orders Houston to Open Public Golf Courses to Negroes

NEW ORLEANS, La., Dec. 20 (AP).—Houston must open its municipal golf links to Negroes or may retain segregation, the United States Fifth Circuit Court of Appeals held Thursday.

The ruling grants the City of Houston "a reasonable opportunity to promptly prepare and put into effect regulations for the use of the municipal golf facilities by Negroes, at the same time preserving segregation.

The court further ordered that "equality of treatment of white and colored citizens must be afforded which will secure to both, complete and full recognition, that, under the constitution and laws, there are not two classes of citizens, a first and a second, but one class, with all equal rank in respect of their rights and privileges to use and enjoy facilities provided at public expense for public use."

The opinion was written by Chief Judge Joseph C. Hutcheson Jr. after being heard by him and Circuit Judge Wayne Borah and Louie Strum.

The action was brought by A. W. Beal, heading a group of Negroes, against Oscar Holcombe, Mayor of Houston. The Negroes claimed they were being deprived of their civil rights in being denied use of the municipal links.

The plaintiffs said they had purchased tickets and otherwise complied with requirements for playing golf on the course but were denied permission to play "solely because of the fact that they were of African descent and members of the Negro race," the opinion said.

The Circuit Court held that the United States district judge who heard the case erred when he treated it not as a suit for redress or deprivation of civil rights but "as in short a more or less general complaint that park facilities provided for Negroes were unequal to those provided for whites."

Court records show Houston has set aside four parks for exclusive use of Negroes and seventeen for the exclusive use of whites. It also is shown that none of the Negro parks has golf facilities.

The Circuit Court reversed the lower court and remanded the case to it for issuance of an order in line with the higher court's instructions.

GOLF LINKS CASE WON BY NEGROES

Court Upholds Right to Use Houston Course

The United States fifth circuit court of appeals ruled Thursday that the city of Houston must permit Negroes to use its municipal golf course.

However, the court stated that the effect of its decision must be given reasonable time for the city authorities to prepare and put into effect segregation regulations.

The decision was on an appeal by a group of Negro citizens who had originally sued the city for the right to use the links. In an opinion by chief Judge Joseph C. Hutcheson Jr., concurred in by Judges Wayne G. Borah and Louie Strum, the appepals court reversed and remanded a decision of the Texas district court against the Negroes.

Judge Hutcheson wrote that the district judge did not treat the case, as it was, as a suit for the redress of the deprivation, for reasons of color, of the individual and personal right of the Negroes to play golf on facilities furnished at municipal expense to whites, wholely denied to Negroes.

"He treated it, as it was not, as in short a more or less general complaint that park facilities provided for Negroes were unequal for those provided for whites," the opinion stated.

The opinion said further "What was accomplished here under the purported sanction of state law is the very thing the Constitution was written to make impossible, and the civil rights statutes forbid. This is denying to a Negro, because he is a Negro, his individual, his personal, right as a citizen to use and enjoy a facility furnished at the public expense while permitting a white man because he is white, to use and enjoy it."

The opinion remanded the case to the district court with instructions to enter a judgment declaring that refusing to allow the Negroes, because they are Negroes, to make use, on a substantially equal basis with white citizens, of municipal facilities for playing golf, is to practice a forbidden discrimination which must be remedied. It also ordered the district court to enjoin the city officials from continuing such a practice.

By U. S. Court

Houston Ordered To Lift Golf Ban

Court Remands Case to Lower Tribunal for Compliance

By JOHN E. ROUSSEAU

NEW ORLEANS — The United States Fifth Circuit Court of Appeals here Thursday ruled that the city of Houston, Tex., must permit Negroes to use its Municipal Golf Course. The Appellate Court's ruling reversed a previous decision of the U. S. District Court for Southern Texas in the case of A. W. Beal and others against Oscar Holcombe, Mayor of Houston, and others.

The ruling, contained in an opinion by Chief Judge Joseph C. Hutcheson Jr., was concurred in by Judges Wayne G. Borah and Louie Strum and reversed and remanded the lower court's decision against the Negro plaintiffs.

12d 1951

JUSTICE AND EDUCATION

The United States Supreme Court last week affirmed a lower court decision ordering the admission of a Negro student to the law school of Louisiana State University. It was the twenty-eighth Supreme Court victory of the National Association for the Advancement of Colored People, which has waged the successful legal fight against segregation on the graduate and professional level.

The high court unanimously upheld the decision of a special three-judge federal court in New Orleans, which had cited the Supreme Court rulings affecting the Universities of Texas and Oklahoma, and ordered LSU to admit Roy S. Wilson to its law school.

MACON GIRL WINS $2,250 JUDGMENT AGAINST STORES

MACON — (SNS) — A Superior Court jury decided in favor of Miss Evelyn Hansford in her suit against two employees of a Macon store who grossly insulted her when she went to pay a bill. The jury awarded Miss Hansford judgment in the amount of $2,250 on the suit originally asking $25,000.00.

The incident occurred last September when Miss Hansford entered the store to make a small payment on a $27 account. According to Miss Hansford, the two clerks, Frank Mantrell and Thomas E. Barberito, grew abusive when she stated that one dollar was all she could pay.

The two men forced her, she said into a back room of the store where they disrobed her ostensibly to see if she were hiding any money. The girl, in her teens, sued the store through her father, Ogden Hansford.

Although the judgement of the Superior Court Jury indicated guilt on part of the men, the solicitors of Macon and Bibb County Superior Courts stated that they were planning no criminal charges against the two men.

Askins stores, the employer of the two men, was named as the defendent in the suit and it was against this company that the $2,250 judgement was directed.

Earlier in the year, when the case came up for trial, a legal technicality rendered the case a mistrial. In both hearings, Mantrell and Barberita protested that they had not forced the 17 year old girl to disrobe.

Supreme Ct

12d 1951

Supreme Court Rejects Review

Texas School Case Judgment Is Final

WASHINGTON (NNPA) — The United States Supreme Court last Monday rejected a petition for review of a Texas equal-facilities school case.

E. C. Bagsby, Eugene Robinson and Edward Bradford had asked the court to review the judgment of the Texas Civil Appeals Court, Seventh Judicial District, holding that the constitutional rights of colored children in Dallas County, Texas, had not been violated by the closing of the Kirby School in that county, compelling them to travel three and one-half miles by bus over a hazardous route.

Bagby, Robinson and Bradford brought suit January 10, 1950, in the 95th District Court of Dallas County for a writ of mandamus to compel the trustees of the Pleasant Grove Independent School District to provide a school for colored children living in the district.

Court Issued Writ

After a jury trial, the court issued a writ directing the trustees to provide educational opportunities and facilities for children in the district equal to those provided for whites.

On appeal, the Court of Civil Appeals for the Seventh Supreme Judicial District of Texas reversed the judgment of the district court holding that the failure and refusal of the trustees to provide substantially equally facilities in the school district was not violative of the visions of Texas or of the Fourteenth Amendment to the Federal Constitution.

Upheld by Texas Court

The Texas Supreme Court last March 21 denied an application for a writ of error, and the judgment became final.

Several years rior to the filing of the suit, Kirby School carried eight grades. In May, 1948, this school was reduced to a two-grade school in which only the first and second grades were taught, and in May, 1949, it was closed.

At the time, there were 117 colored children of school age in the district, who were left without educational facilities whatsoever.

TO STUDY LAW

CHARLESTON, S.C. — Mr. and Mrs. Arthur J. Clement motored to Washington, D.C. last week with their son, Howard, who entered Howard University's law school.

High Court Turns Down Bias Plea

WASHINGTON, D. C. — The U. S. Supreme court refused Tuesday to review a Florida Supreme court decision denying five Negro students an order compelling the State University to accept them on an unsegregated basis.

In deciding against the five Negroes, the Supreme Court agreed with the state that the Florida Court had not made a "final judgment" in the case.

The students involved had turned down hastily improvide university facilities at Florida A & M College at Tallahassee.

In another action the High Court agreed to decide whether Commerce Secretary Sawyer and nine other men should be jailed for refusing to relinquish government control of the Dollar Shipping Industry.

But the high court did not act on the government's request for review of lower court rulings that the $6-million-dollar firm must be returned to its former owner, R. Stanley Dollar.

Sawyer, eight other government officials and George L. Killion, president of the company — now the American president lines — were held in civil contempt by the District of Columbia appeals forth for their refusal to obey the order.

The supreme court stepped in before sentence was pronounced on Sawyer, Killion, undersecretary of Commerce Philip B. Fleming, Solicitor General Philip B. Perlman, Deputy Attorney General Peyton Ford, former maritime administration solicitor Paul D. Page, Jr., and four justice department attorneys.

In other cases yesterday the Supreme court ruled that Narcotics seized without a search warrant cannot be used as evidence against their owner.

Upheld a lower court decision denying an aleutian islands sheep raiser compensation because the fear of a Japanese air attack forced him to leave his flock untended.

Ordered a new trial for Harvey L. Cairgnan, a soldier stationed at Ft. Richardson, Alaska, who was sentenced to death for murdering a woman in anchorage. It said the soldier should have had a chance to tell the judge that a confession made before his arraignment on murder charges was involuntary.

Ordered the state of New Mexico to show cause within 30 days why it should not hear a Texas complaint that it has "deliberately" violated [illegible] between the two states for diverting the Rio Grande.

12d 1951

Bulwarks of Freedom

WITH gratifying regularity the courts of the land have ruled in favor of individual freedom and against restriction and discrimination.

Last week the United States Supreme Court, adhering to its decisions in similar cases in the past, ruled that the University of Louisiana would have to admit a Negro student for the first time in its history.

At the same time in Charlotte, N. C., the U. S. Fourth Circuit Court of Appeals reversed a lower court decision which had permitted railroads to restrict the hiring of Negroes as firemen.

The favorable decision in the case of the colored firemen is particularly gratifying because these men have been fighting so long for their rights against the Ku Kluxish Brotherhood of Locomotive Firemen; and in several instances colored firemen have actually been killed by shots from the right of way as their engines passed by.

It is also an interesting decision because it was handed down by senior Judge John J. Parker whose confirmation as Supreme Court justice was fought by the NAACP in 1930.

The Brotherhood of Locomotive Firemen is one of several unions left in this country which openly discriminates against Negroes, and it argued that since Negro firemen could not be promoted to engineers (owing to the Klux-ridden engineers' brotherhood), they should be excluded from employment.

Instead of these so-called brotherhoods using their power and influence to end color discrimination practiced by the railroads, they actually force the railroads to maintain an employment color bar.

The result is that extremely few Negroes are firemen, none is an engineer, clerk or conductor; and these unions would be even more opposed to a Federal FEPC than any imaginable employer.

There is no record of any union of this "aristocracy of labor" ever having said or written one word in favor of expanding employment opportunities for qualified Negroes.

With the government now compelled to operate the railroads because of the outrageous wage demands of these lily-white laborites, the time is ripe for urging the Government to break their power to exclude other Americans from making a living just because they are the "wrong" color.

We believe that the American courts would uphold such a government directive.

If black men can operate cannon on the Korean front, they can pull engine throttles on the home front.

Court Opens LSU Classes To Negroes

Unequal Facilities Cited in Ruling

WASHINGTON, Jan. 2—(U.P.)—The Supreme Court ordered Louisiana State University Tuesday to admit qualified Negro students to its all-white law school at Baton Rouge.

In a brief order, the high tribunal upheld the ruling of a special three-judge Federal Court in New Orleans that a Negro law school established by the state at Scotland Dale, La., in 1947 does not offer a law education equal to that of the Baton Rouge institution.

The case was brought by Roy S. Wilson, a Negro who was denied admission to the Baton Rouge law school. The court did not issue a formal opinion, but merely cited its decisions last year compelling Texas and Oklahoma state universities to admit Negroes on equal terms with white students.

In other cases, the court:

Refused to hear an appeal by convicted "lonely hearts" slayers Raymond Fernandez and Mrs. Martha Beck. They have been sentenced to die in the Sing Sing electric chair for the 1949 murder of Mrs. Janet Fay, Albany, N. Y. widow.

A new date for their execution will be set by New York's highest tribunal, the Court of Appeals. The killers have no further recourse through the courts.

Held that Joseph E. Seagram & Son, Inc., and Calvert Distilling Co. must pay a $1,025,000 anti-trust judgment to Kieger-Stewart Co., Indianan liquor wholesalers. Kieger-Stewart charged the distillers illegally tried to fix maximum wholesale prices.

Upheld, 8 to 1, an Interstate Commerce Commission order requiring 26 railroads to establish joint rates and routes with three Mississippi River barge lines. The railroads had fought the order. Justice William O. Douglas dissented from the ruling.

Refused for the second time to hear an appeal from seven Martinsville Va., Negroes sentenced to die for raping a white woman.

Refused for the second time to examine the constitutionality of a Baltimore, Md., ordinance requiring racial segregation on public playgrounds.

ANOTHER WALL COMES CRUMBLING

The United States Court of Appeals at New Orleans has ruled that Negroes may no longer be barred from voting by the citizens Party of Harrison County, Texas, and Negro Citizens in the County Sear of Marshall, where the historic and veneral Wiley and Bishop Colleges are located, have thus taken a new forward step toward freedom and equality. The suit that brought this about was brought by Negroes. Among them James E, Percy, a graduate of Bishop College. Thus another wall comes crumbling down in the fight for full and equal citizenship in this beloved Southland of America. It would be so much better if, instead of having to bow to these lawsuits, the South would bow to the teachings and practices of Jesue Christ, which the South preaches every Sunday in its churches, but which the South does not practice in its relations to its Negro neighbors.

Informer
Sat. 3-3-51
Houston, Texas

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'Lonely Hearts' Slayers Lose In High Court

WASHINGTON, Jan. 2—(AP)—Two "lonely hearts" slayers in New York and seven Negroes convicted of raping a white woman in Virginia lost Tuesday in efforts to have the Supreme Court review their death sentences.

At the same time, the high tribunal ruled unanimously that an Indiana life-termer convicted of murder nearly 20 years ago must be given a review of his case or be freed by the state. The court held Indiana had deprived the prisoner of the right of appeal guaranteed by the 14th Amendment to the Constitution.

In the New York "Lonely Hearts" case, the court refused a hearing to Raymond Fernandez and Mrs. Martha Beck. They were convicted of the 1949 bludgeon-strangling of Mrs. Janet Fay, 66, in Valley Stream, N. Y. Both have been sentenced to die in the electric chair in Sing Sing Prison.

The state said the slaying resulted from a plan to get money from women whom Fernandez met through "Lonely Hearts" clubs.

For the second time, the Supreme Court refused to consider appeals of seven Martinsville, Va., Negroes sentenced to die for the rape of a white woman Jan. 8, 1949.

The Virginia Supreme Court already had upheld the May, 1949 conviction of the Negroes. In June of that year the U. S. Supreme Court had refused to review the trial held in the Martinsville Circuit Court.

In the Indiana case, the high tribunal set aside decisions of two lower courts ordering the prisoner, Lawrence E. Cook, freed on a writ of habeas corpus. But, in doing so, the court held Cook should be freed unless Indiana gives him a "full appellate review" within a reasonable time.

Cook was convicted of murder by the Jennings County (Ind.) Circuit Court in 1931. Cook complained that for two years he was barred by the warden of the state penitentiary from filing proper appeal papers. Later, when the restrictions were relaxed he began efforts to win freedom.

Opinion By Justice Black

The high court opinion by Justice Black said "nothing short of an actual appellate determination of the merits of the conviction would cure the original denial of equal protection of the law" to Cook by the State of Indiana. Cook has been free on bond of $5,000 since last February, pending action in his case.

In other actions Tuesday, the high tribunal:

1. Unanimously upheld a lower court decision requiring Louisiana State University to admit a Negro student for the first time in its 90-year history. The Negro, Roy S. Wilson, was registered at the L. S. U. Law School last Oct. 31, one day after a special three-judge district court in New Orleans had ordered his admission.

2. Reiterated once again that both maximum and minimum price fixing violates the anti-trust laws. It ruled that two leading whisky distillers—Joseph E. Seagram and Sons, Inc., and the Calvert Distilling Company violated the anti-trust laws by conspiring to fix ceiling prices at which wholesalers were to resell. The opinion, by Justice Black, was unanimous.

3. Denied the Atlantic Fishermen's Union (AFL) a hearing on its protest against a Massachusetts State court order against asserted price-fixing activities. The court's order, issued under a state anti-monopoly law, forbade the fishermen from "combining" to fix minimum prices when they sell their catches.

4. Ordered a reargument of a case questioning the right of Connecticut to impose its corporation business tax on firms engaged solely in interstate commerce.

5. Dismissed an appeal which questioned the validity of a California law restricting the right of recovery of damages in libel suits.

6. Upheld, 8-1, an Interstate Commerce Commission order requiring a group of railroad and barge lines to set up through routes and joint rates for rail-barge freight service on the Mississippi River and its tributaries.

7. Rejected as having been filed too late an appeal by 21 persons who lost a $1,000,000 damage suit against Baltimore city officials. The case arose from enforcement of a city rule requiring segregation of Negroes and whites in public parks athletic activities.

8. Threw out an appeal involving decontrol of rents in Los Angeles. Since the appeal was filed the federal housing expediter has signed an order removing rent controls in that city.

Wins $2,250 For Being Forced To Disrobe

MACON, Ga. — (ANP) — A Bib County Superior court Tuesday awarded $2,250 judgement to a Negro girl who asked $25,000 damages from two white clerks of a Macon credit clothing store for forcing her to undress before them.

Miss Evelyn Hanford, teen-age Maconite won in the second round of her court fight with the two male employees of Askins, whom she said insulted her when she went to pay a bill. A previous trial had resulted in a mistrial when one of the all-white jurymen held out against his colleagues.

The incident occurred last September when Miss Hanford entered the local branch of the national clothing chain store to make a small payment on a $27 account. According to the young lady, the two clerks, Frank Mantrell and Thomas E. Barberito became abusive when she told them that she had only one dollar.

The two men forced her, she said, into a back room where they disrobed her to see if she were hiding money. The girl sued the store through her father, Ogden Hanford.

Although the judgment of the court indicated guilt on the part of the clerks, Bibb County solicitors said they were planning no criminal charges against the two men. At both trials the men testified that they had not forced the girl to undress.

RACES:

Segregation's Day in Court

When Federal District Judge J. Waties Waring opened South Carolina's 1948 Democratic primaries to Negroes, his decision—which earned him ostracism in his native Charleston—was upheld by another Southerner, Senior Circuit Judge John J. Parker of Charlotte, N.C.

Last week before an unsegregated, white-spattered audience that jammed Waring's tiny courtroom on the second floor of Charleston's main post-office building, Parker, Waring, and Federal District Judge George Bell Timmerman of Columbia, S.C., tackled an equally sensitive aspect of the race problem: segregation in the public schools.

Since 1897, separate educational facilities in seventeen Southern states have been sanctified by a U.S. Supreme Court decision requiring only that they be "equal" for both races. For the past 43 years, the National Association for the Advancement of Colored People has based its anti-segregation strategy on attempts to obtain such equality. Thus—the NAACP reasoned—segregation could be made too expensive to survive.

In May 1950, twelve Negro families of rural, 74.2 per cent Negro, Clarendon County, S.C., sued the authorities of School District 22 to compel them to provide the 808 Negro children—who were using old wooden buildings with outdoor toilets—with schools as good as the two modern brick structures enjoyed by 276 white children. The twelve families were represented by the NAACP.

Precursors: Before the case reached trial, three U.S. Supreme Court decisions—two involving universities and one the curtaining off of Negroes in dining cars—all but nullified the 1897 "separate but equal" formula.

The NAACP, changing its strategy, amended its suit last December to make it a test of Article II, Section 7, of South Carolina's 1895 Constitution, which provides that "no child of either race shall ever be permitted to attend a school provided for children of the other race." The state intervened as a defendant, and Gov. James F. Byrnes, himself a former U.S. Supreme Court Justice, warned in a radio address to South Carolinians on May 11 that if it lost the case, South Carolina would abandon its public-school system. At the same time, he announced a $75,000,000 school building program because "we have emphasized the word 'separate' [but] in many instances we have ignored the word 'equal'."

Monday and Tuesday of last week, the NAACP presented "expert" witnesses, to prove that segregation was psychologically damaging to both white and Negro children. Through segregation, "we build into the Negro the very characteristics which we then use to justify prejudices," said Dr. David Krech, visiting associate professor of psychology at Harvard.

"Children, white or black, do not get social development if segregated," testified Dr. James L. Hupp, professor of psychology at West Virginia Wesleyan, which began admitting Negro students two years ago.

Futures: For the state, Robert McC. Figg, chief counsel, conceded that Negro schools were inferior and said $40,000,000 would be needed to equalize the situation. If the court would give the state a reasonable time, the inequities would be corrected. Judge Parker was "not much impressed." "This court is not here," he said, "to wet-nurse the schools" and could not be "changing its decree from time to time."

Whatever the decision of the three-man court, the case would go to the U.S. Supreme Court. Commented one white man in the audience: "The Supreme Court hasn't any bayonets. We'll back Byrnes to the hilt."

U. S. COURT UPHOLDS RACE SEGREGATION

Special Panel in South Carolina Backs Separated Schools as Right of States

CHARLESTON, S. C., June 23 (AP)—A special three-judge Federal court today upheld racial segregation in the South's schools. But it reminded Southern states that they must provide equal facilities for Negroes.

The court, in a far-reaching 2-to-1 decision, held that "segregation of the races in the public schools * * * is a matter of legislative policy for the several states, with which the Federal courts are powerless to interfere."

But the court ordered Negro schools made equal to those for whites and told school officials to report back within six months on what they were doing about it.

The decision came in a case involving rural Clarendon County. The case, heard here on May 29, was initiated by the National Association for the Advancement of Colored People in an assault on the South's system of segregated schools.

The court majority, consisting of Circuit Judge John J. Parker and District Judge George Bell Timmerman, wrote that "in a country with a great expanse of territory with peoples of widely differing customs and ideas, local self-government in local matters is essential to the peace and happiness of the people in the several communities as well as to strength and unity of the country as a whole."

District Judge J. Waties Waring, the jurist who opened South Carolina's Democratic party primaries to Negroes, wrote in his dissenting opinion:

"There is no longer any basis for a state to claim the power to separate according to race in graduate schools, universities and colleges. * * * I am of the opinion that all of the legal guideposts, expert testimony, common sense and reason point unerringly to the conclusion that the system of segregation in education adopted and practiced in the State of South Carolina must go and must go now."

From Columbia, there came a terse "no comment" from the office of Gov. James F. Byrnes on the decision. Governor Byrnes had declared before the case was heard that South Carolina would "reluctantly" close her public schools before mixing the races in them.

In New York, Walter White, executive secretary of the National Association for the Advancement of Colored People, announced that the association would "appeal immediately to the United States Supreme Court."

The special three-judge court, as is customary in cases involving state constitutions, heard the case so that it could be appealed directly to the Supreme Court. The plaintiffs, producing testimony by several educators against segregation, argued that the segregation provision of the State Constitution violated the Fourteenth Amendment of the United States Constitution.

The court held, however, that the State Constitution does not violate the Fourteenth Amendment. But it added that educational facilities for Negroes in Clarendon School District No. 22 "are not substantially equal to those afforded for white pupils (and) that this inequality is violative of the equal protection clause of the Fourteenth Amendment."

The court then ordered Clarendon trustees to equalize their facilities for both races.

South Carolina is now planning to $75,000,000 school construction program aimed at equalizing the school plants for the two races.

The joint opinion of Judge Parker and Judge Timmerman held that:

"The problem of segregation as applied to graduate and professional education is essentially different from that involved in segregation in education at the lower levels * * * It is difficult for the state to maintain segregated schools for Negroes in this field which will afford them opportunities for education and professional advancement equal to those afforded by the graduate and professional schools maintained for white persons."

Court Upholds Public School Segregation

CHARLESTON, S. C., June 23 —(U.P.)—The South won the first big round Saturday in its struggle to prolong public school segregation but Negro leaders said they will take the verdict of a special tribunal straight to the U. S. Supreme Court.

By a 2-to-1 decision, three federal judges refused to invalidate the South Carolina segregation law. Instead they ordered school authorities in the county where the suit originated to make Negro schools as good as the white schools.

Twenty pages of bitter dissent were filed by U. S. District Judge J. Waites Waring, who three years ago opened the Democratic primary election to Negro voters and thereby incurred the enmity of his Charleston neighbors.

If the segregation "evil" is wrong, Waring said, the place to stop it is in the first grade and not in graduate colleges. Some Southern graduate schools have admitted Negroes by federal court order.

Waring also assailed the "sadistic insistence of 'white supremists' in declaring that their will must be imposed irrespective of the rights of other citizens."

The South Carolina suit, brought by 66 persons in Clarendon County, S. C., was the first attacking the social custom of segregation as such. Both sides agreed it was a best case to determine the future of segregation throughout the South.

James M. Hinton, president of the South Carolina branch of the National Association For The Advancement of Colored People, said his group has already prepared a complete transcript of the case and is ready to take it to the Supreme Court.

Officials Exhuberant

State officials were exuberant. Atty. Gen. T. C. Callison called the decision "entirely correct." Gov. James F. Byrnes wouldn't comment pending a reading of the decision but he was known to have wished for such a verdict.

The South Carolina governor, who many believe came out of retirement to steer his state in its battle to uphold the segregation custom, is expected to muster a South-wide front in support of the decision.

The majority opinion was written by District Judge George Bell Timmerman and U. S. Appeals Judge John J. Parker of Charlotte, N. C.

They held that the inequality suffered by the plaintiffs, most of them parents of Negro school children, resulted "not from the law but from the way it has been administered."

They ordered Clarendon County authorities to equalize schoo facilities and report back within six months what has been don toward that end. Meantime, th court held, the plaintiffs are en titled to an injunction to force the provision of equal facilities.

Racial Zoning Is Out

The Supreme Court has refused to change a decision of the U. S. Circuit Court of Appeals in New Orleans which declared unconstitutional a Birmingham zoning ordinance based on racial lines. The New Orleans court had upheld a ruling to that effect by Federal Judge Clarence Mullins of Birmingham.

No one should be surprised at the Supreme Court's action. It set a precedent in a similar case brought in Louisville, Ky., many years ago, and the court has not deviated from the type of legal thinking it initiated then.

The Birmingham decision was based on reasoning much like that in the Louisville case in November, 1917. In the Birmingham case it was argued, among other contentions, that the city had a right to zone on basis of race under its police powers to prevent possible disorder. The decision of Judge Mullins agreed with that of the Supreme Court in the Louisville case, which stated that, "important as is the preservation of the public peace, this aim cannot be accomplished by laws or ordinances which deny rights created or protected by the Federal Constitution."

* * *

Judge Mullins decided that property rights guaranteed by the constitution had been infringed by Birmingham's zoning law. He found that Negroes could own property but could not occupy it in certain areas "without becoming subject, under the provisions of said zoning ordinances, to criminal prosecution, fine and imprisonment solely on account of the fact that they are members of the Negro race."

Therefore Judge Mullins declared the ordinances unconstitutional as violative of the 14th amendment and issued an injunction against enforcement of them. That decision has now been in effect upheld by the nation's highest court.

* * *

Citizens of Birmingham are faced with the necessity of learning to live in harmony with each other. There are certain "fringe areas" in the city where especial care must be exercised by members of both races. City officials need now to be unusually aware of possible disagreement in those areas and should strive to the utmost to solve any difficulties that may arise.

Birmingham's people, however, are not alone among residents of Southern cities in facing the problems. Wherever such ordinances as that found unconstitutional here have been tested, the same result has come about. Many Southern cities have existed for years without racial zoning laws and without racial disturbances.

The recourse is good will and common sense and cooperation on the part of both white and Negro leaders and people. Judge Mullins recognized that fact full well when he handed down his decision. In speaking to the litigants he remarked that if racial problems are to be solved, the solution must come "by the application of common sense and fair dealing. . . . No respectable, law-abiding citizen can believe that violence will aid in the solution. . . . (It) will come with a mutual spirit of moderation and a forbearance of destructive passions."